

JURISDICTION:

CALIFORNIA

General Reference:

This chapter summarizes California State statutes related to speed.
West's Annotated California Codes

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and surface and width of, the highway.¹ In no event, shall a speed such as to endanger the safety of persons or property. Veh. Code §22350

Statutory Speed Limit:
See Other below.

65 MPH² (except as noted below) Veh. Code §§22349(a) & 22356
55 MPH on two lane undivided highway Veh. Code §22349(b)
35 MPH (*prima facie* limit) on non-State highways located in moderate density residential districts within the Town of Apple Valley³ Veh. Code §§22352(a)(3) and 22352.1(a) & (b)
25 MPH⁴ (*prima facie* limit) in a business or residence district Veh. Code §22352(a)(2)
25 MPH near a children's playground⁵ Veh. Code §22357.1
15 MPH⁶ (*prima facie* limit) on any alley Veh. Code §22352(a)(1)(C)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic surveys, the State Department of Transportation may establish *prima facie* speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 MPH on the State highway system.⁷ Veh. Code §22354
II. Based on engineering and traffic surveys, a local government may decrease the 65 MPH speed limit on applicable highways within its jurisdiction. Such government may establish *prima facie* speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 MPH on such highways. Veh. Code §§22358(a) & 22360

Basis for a Speed Law Violation: (continued)

¹It is a *prima facie* violation of the basic speed rule to exceed a construction zone speed limit. A construction zone speed limit cannot be <25 MPH. Veh. Code §22362

²Based upon engineering and traffic surveys, the State Department of Transportation may increase the maximum speed limit to 70 MPH. Veh. Code §22356(a) Note: Neither the 65 MPH nor 70 MPH maximum speed limits apply to certain types of vehicles per Veh. Code §22406.

³Via a demonstration project, the Town of Apple Vally may establish a *prima facie* speed limit of 35 MPH on non-State highways which are located in moderate density residence districts. Veh. Code §22352.1 This demonstration project remains in effect only until March 1, 2001.

⁴Or (1) when passing a school, which is not separate from the highway by a physical barrier, with a standard "school" warning sign while children are going to or leaving the school or during school hours or (2) when passing a facility used by senior citizens with a standard "senior" warning sign. Veh. Code §22352(b)(2) & (3)

⁵This limit is established by local authorities.

⁶Or when traversing either a uncontrolled railway crossing or uncontrolled highway intersection where the driver does not have a clear and unobstructed view. Veh. Code §22352(a)(1)(A) & (B)

⁷Also, based on engineering and traffic surveys, the State Department of Transportation may establish different speed limits for various times of the day or night. Veh. Code §22355

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III. Based on engineering and traffic surveys, a local government may increase the above *prima facie* 25 MPH speed limit. Such government may establish *prima facie* speed limits of 30, 35, 40, 45, 50, 55, 60 or 65 MPH on highways under its jurisdiction.⁸ Veh. Code §22357

IV. Notwithstanding other provisions of law, a city or county located within the South Coast Air Quality Management District may establish on unpaved roads a *prima facie* speed limit lower than permitted in order to comply with air quality standards. Veh. Code §22365

V. Based on engineering and traffic surveys, a local government may decrease the above 25 MPH *prima facie* speed limit to either 15 or 20 MPH on streets under its jurisdiction having a width not more than 25 feet. Veh. Code §22358.3

VI. Based on engineering and traffic surveys, a local government may lower the above 25 MPH *prima facie* 15 or 20 MPH for business and residential districts or school zones. Veh. Code §22358.4

VII. Based on engineering and traffic surveys, the State or a local government on highways within their respective jurisdictions may establish different *prima facie* speed limits for different roadways. Veh. Code §22361.

VIII. When ice or snow conditions exist, the State Department of Transportation or a local government on highways under their respective jurisdictions may establish *prima facie* speed limits of 40, 35, 30 or 25 MPH. Veh. Code §22363

IX. Based on engineering and traffic surveys, the State Department of Transportation may establish different speed limits for highway lanes on the State highway system. Veh. Code §22364

X. The State Department of Transportation or a local government may establish a safe maximum speed limit (but not <5 MPH) for bridges, elevated structures, tubes or tunnels on the highway under their respective jurisdictions. Veh. Code §§22402, 22403, 22404 & 22405

Minimum Speed Limit:

I. A person shall not drive a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. Veh. Code §22400(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb. Veh. Code §21654(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic surveys, the State Department of Transportation may establish a minimum speed on any part of the State highway system. Veh. Code §22400(b)

Other:

I. 25 MPH is the maximum speed for vehicles with solid tires and having a gross vehicle weight for ≥10,000 but <16,000 lbs. Veh. Code §22409

III. 15 MPH is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight for ≥16,000 but <22,000 lbs. Veh. Code §22409

Basis for a Speed Law Violation: (continued)

⁸A local government may also establish a *prima facie* speed limit of 25 MPH on highways under their jurisdiction that are adjacent to a children's playground in a public park. However, such a speed limit is only to be effective during hours when children are expected to use such playground. Veh. Code §22357.1

Other: (continued)

IV. 55 MPH⁹ is the maximum speed for: (1) A motortruck, (2) a track tractor having three or more axles, (3) a motortruck or track tractor drawing any other vehicle, (4) a passenger vehicle or bus drawing any other vehicle, (5) a school bus while transporting pupils, (6) a farm labor vehicle while transporting passengers, (7) a vehicle transporting explosives or (8) a trailer bus. Veh. Code §22406
 IV. 6 MPH is the maximum speed for vehicles equipped with metal tires. Veh. Code §22410

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Law Speed Violations are Infractions. Veh. Code §§22351, 40000.1 & 42001(a)
 Other: **Important.** See Miscellaneous Sanctions below.

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
 Imprisonment:
 Term (Day, Month, Years,
 Etc.): **None**
 Mandatory Minimum Term:
 Fine:
 Amount (\$ Range): 1st offense-Not more than **\$100**¹⁰ 2nd offense (within 1 year)-Not

⁹Based on engineering and traffic surveys, the State Department of Transportation may reduce the 55 MPH maximum speed limit for motortrucks or truck tractors having gross vehicle weight ≥10,000 lbs. while in a descending grade. The speed limit for these vehicles may be established at 50, 45, 40, 35, 30, 25 or 20 MPH. Veh. Code §22407

¹⁰A person, who commits a exceeds the speed limit, a traffic infraction, on certain the segments of certain highways, is subject to a fine sanction which is one category higher than the amount otherwise prescribed by the uniform traffic fine schedule. The prescribed sanction applies on (1) Route 37, between the intersection with Route 121 and the intersection with Route 29, (2) Route 4, between the intersection with Cummings Skyway and the intersection with Route 80, (3) Route 74, (a) between the intersection with Route 5 and the intersection with the Riverside-Orange County line and (b) between the junction with Route 15 and the intersection with Seventh Street in the City of Perris, (4) Route 46, between the intersection with Route 101 and the junction with Route 41, (5) the Golden Gate Bridge, (6) Route 12, between the intersection with Walters Road in the City of Suisun and the intersection with Lower Sacramento Road in the City of Lodi, (7) Route 138, between the intersection with Avenue T and Pearblossom Highway and the intersection with Interstate Highway Route 15, (8) Route 101, between the intersection with Boronda Road and the intersection with the Benito-Monterey County Line, (9) Route 152, between the junction with Route 156 at the Don Pacheco "Y" and the intersection with Ferguson Road and (10) Route 2, between the city limits of La Canada

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more than **\$200**¹⁰ 3rd or subsequent offense (within 1 year)-Not more than **\$250**¹⁰ Veh. Code §42001(a)(1), (2) & (3)
See III under Miscellaneous Sanctions below.

Mandatory Min. Fine (\$):
Other Penalties:
Traffic School:

None

Court ordered traffic violator school. Veh. Code §42005

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Flintridge and the intersection with Route 39. Note: Additional forfeitures or assessments, which are based on the fine imposed, are to be calculated using only the base fine prior to the above enhancement. Streets and Highways Code §97 and Veh. Code §§40310 & 42010 Veh. Code §40310 provides that the California Judicial Council shall establish a uniform traffic fine schedule. Streets and Highways Code §97 and Veh. Code §42010 are effective only until January 1, 2004.

<p>Other:</p> <p>Licensing Action: Type of Licensing Action (Susp/Rev): Term of License Withdrawal (Days, Months, Years, etc.):</p> <p>Mandatory Minimum Term of Withdrawal: Miscellaneous Sanctions Not Included Elsewhere:</p>	<p>I. Traffic Violation Points.¹¹ An offender is assessed 1 point on their driving record. Veh. Code §12810(e) II. Special State/County Penalties (Fines).¹²</p> <p>Suspension Veh. Code §13200</p> <p><u>1st offense</u>-Not more than 30 days <u>2nd offense</u>-Not more than 60 days <u>3rd or subsequent offense</u>-Not more than 6 months Veh. Code §13200¹³</p> <p>None</p> <p>I. The following fines apply to offenses involving exceeding the basic speed rule (Veh. Code §22350), exceeding 55 MPH in a bus, motor truck, truck tractor (with 3 or more axles) or any motor truck or truck tractor drawing any other vehicle (Veh. Code §22406) or exceeding the speed established for a bus, motor truck, truck tractor (with 3 or more axles) or any motor truck or truck tractor drawing any other vehicle when descending a grade (Veh. Code §22407): <u>1st offense</u>-Not more than \$100 <u>1st offense</u> (where speed was ≥10 MPH over the limit)-Not more than \$200 <u>2nd or subsequent offense</u>-Not more than \$300 Veh. Code §42000.5 II. For speeding in a tank vehicle transporting >500 gallons of flammable liquids, in willful or wanton disregard for the safety of others, a person is subject to the following <u>additional</u> sanctions: <u>1st offense</u>-Not more than \$500 <u>2nd or subsequent offense</u> (within 2 years)-Not more than \$2,000 and suspension of hazardous material or</p>
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¹¹**Point System.** A person is presumed to be negligent driver if they accumulate either 4 or more points in 12 months, 6 or more points in 24 months, or 8 or more points in 36 months. Such a driver can have their driving privileges suspended for not more than 6 months. However, they may obtain restricted driving privileges for use during the scope of their employment. Veh. Code §§12809, 12810, 12810.5, 12812, 13556 & 13359

¹²**Special State Penalty (Fine).** An additional State penalty of \$10 is assessed against every defendant for every \$10 of a fine (or fraction thereof) actually imposed and paid by a defendant. Penal Code §§1463(h) & 1464(a)

Special County Penalty (Fine). An additional county penalty of \$7 is assessed against every defendant for every \$10 of a fine (or fraction thereof) actually imposed and paid by a defendant. Gov't. Code §76000 and Penal Code §§1463(h) & 1464

The portion of any fine that has been either suspended or reduced is not considered when calculation these assessments.

¹³This code provision does not state a time period within which a second or subsequent offense must be committed after a first in order to impose enhanced sanctions. As a result, it appears that the enhanced licensing sanctions apply regardless of the time lapse between first, second or subsequent offenses.

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cargo tank endorsement for ≤6 months Veh. Code §22406.5
III. If the imposition of an infraction fine would impose a hardship (offender or their family), the court may sentence such person perform community service in lieu of the "total fine" (i.e., the base fine, all assessments, penalties and additional monies). Penal Code §1209.5

Other Criminal Actions Related to Speeding:

Racing on Highway¹⁴:

Misdemeanor Veh. Code §§23109 & 40000.15

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Speed Contest: 1st offense-24 hours to 90 days Subsequent offense (within 5 years)-4 days to 6 months Veh. Code §23109(e) & (f)

Exhibition of Speed: Not more than 90 days Veh. Code §23109(i)

Mandatory Minimum Term:

Speed Contest: 1st offense-None Subsequent offense (within 5 years)-48 hours Veh. Code §23109(f)

Exhibition of Speed: None

III. **Traffic Violation Points.**¹¹ For either offense, a defendant is assessed 1 point on their driving record. Veh. Code §12810(e)

Fine (\$ Range):

Speed Contest: 1st offense-\$355 to \$1,000¹⁵ Subsequent offense (within 5 years)-\$500 to \$1,000¹⁵ Veh. Code §23109(e) & (f)

¹⁴The law makes it an offense to "engage in any motor vehicle speed contest on a highway" or "engage in any exhibition of speed on a highway".

¹⁵**Double Fines.** A fine, double the amount otherwise prescribed by law, may be imposed on a person, who commits a either racing or reckless driving misdemeanor offense on the segments of certain highways. The prescribed sanction applies on (1) Route 37, between the intersection with Route 121 and the intersection with Route 29, (2) Route 4, between the intersection with Cummings Skyway and the intersection with Route 80, (3) Route 74, (a) between the intersection with Route 5 and the intersection with the Riverside-Orange County line and (b) between the junction with Route 15 and the intersection with Seventh Street in the City of Perris, (4) Route 46, between the intersection with Route 101 and the junction with Route 41, (5) the Golden Gate Bridge, (6) Route 12, between the intersection with Walters Road in the City of Suisun and the intersection with Lower Sacramento Road in the City of Lodi, (7) Route 138, between the intersection with Avenue T and Pearblossom Highway and the intersection with Interstate Highway Route 15, (8) Route 101, between the intersection with Boronda Road and the intersection with the Benito-Monterey County Line, (9) Route 152, between the junction with Route 156 at the Don Pacheco "Y" and the intersection with Ferguson Road and (10) Route 2, between the city limits of La Canada Flintridge and the intersection with Route 39. Note: Additional forfeitures or assessments, which are based on the fine imposed, are to be calculated using only the base fine prior to the above enhancement. Streets and Highways Code §97 and Veh. Code §42010 These sections are repealed January 1, 2004.

Mandatory Minimum Fine: Exhibition of Speed: Not more than **\$500**¹⁵ Veh. Code §23109(i)
Speed Contest: 1st or subsequent offense (within 5 years)-**None**
Exhibition of Speed: **None**

Administrative Licensing Action:
 Licensing Authorized and
 Type of Action: For Speed Contest-**Suspension** Veh. Code §13352(a)(8) and 23109(e) & (f)

Length of Term of
 Licensing Withdrawal: Speed Contest: 1st offense-**Suspension 90 days to 6 months** Veh. Code §§13352(a)(8) & 23109(e) Subsequent offense (within 5 years)-**Suspension 6 months** Veh. Code §§13352(a)(9) & 23109(f)
Exhibition of Speed: **None**

Mandatory Action--Minimum
 Length of License
 Withdrawal: Speed Contest: 1st or subsequent offense (within 5 years)-**None**¹⁶
Exhibition of Speed: **None**

Other Criminal Actions Related to Speeding:
 (continued)

Racing on Highway: (continued)
 Other:

- I. Speed Contest: 1st or subsequent offense (within 5 years)-If the vehicle is owned by the offender, it may be impounded from **1 day to 30 days**. Veh. Code §23109(h)
- II. For either offense, the court may order an offender to attend a traffic violator school. Veh. Code §42005
- III. **Traffic Violation Points.**¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(d)(1)
- IV. **Special State/County Penalties (Fines).**¹²

¹⁶For either a first or subsequent offense, an offender may obtain restricted driving privileges for the purpose of traveling to and from work or to perform duties within the scope of their employment. Veh. Code §23109(e) & (f)

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<u>Reckless Driving</u> ¹⁷ :	Misdemeanor Veh. Code §§23103(a), 40000.15 & 40000.24
Sanction:	
Criminal:	
Imprisonment (Term):	5 days to 90 days Veh. Code 23103(c)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$145 to \$1,000 ¹⁵ Veh. Code 23103(c)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation Veh. Code §§13200 & 13351(a)(2)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -Not more than 30 days suspension <u>2nd offense</u> -Not more than 60 days suspension <u>3rd or subsequent offense</u> -Not more than 6 months suspension Veh. Code §13200 Three (3) or more offenses (within 12 months)- 3 years revocation. Veh. Code §13351(a)(2) & (b)
Mandatory Term of License Withdrawal Action:	Three (3) or more offenses (within 12 months)-Revocation for 3 years . Veh. Code §13351(a)(2) & (b)
Other:	I. The court may order an offender to attend a traffic violator school. Veh. Code §42005 II. Traffic Violation Points. ¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(c)

Other Criminal Actions Related to Speeding:
(continued)

¹⁷**Eluding a Police Officer.** A person, who either flees or attempts to elude a police while driving “in a willful or wanton disregard for the safety of persons or property,” is subject to the following sanctions. They are subject to imprisonment in either the State prison or county jail for 6 months to 1 year and/or a fine of not less than \$1,000 not more than \$10,000. The law defines “willful or wanton disregard for the safety of persons or property” to include (but is not limited to) the commission of three or more traffic law violations for which points can be assigned under Veh. Code §12810 (e.g., exceeding the speed limit, racing on the highway, reckless driving) while fleeing or attempting to elude a police officer. Veh. Code §2800.2

Assault Using a Motor Vehicle (Road Rage). A person, who commits an assault in violation of Penal Code §245(a) using a motor vehicle (commonly know as “road rage”) against either another motor vehicle, an operator of a bicycle or a pedestrian, in addition to criminal sanctions (imprisonment for either 2, 3 or 4 years in State prison or not more than 1 year in a county jail plus a fine of not more than \$10,000), is subject to the following licensing actions: 1st offense-suspension for 6 months; and, 2nd or subsequent offense-suspension for 1 year. However, either in lieu of or in addition to such licensing action, a person may be ordered to complete a court approved course on either anger management or “road rage.” Veh. Code §13210

Reckless Driving (continued)

Other: (continued)

III. **Impoundment.** If the reckless driving offense involved motor vehicle operation at a speed ≥ 100 MPH, the vehicle owned and driven by the offender may be impounded for a 1st offense not more than **6 months** and for a 2nd offense not more than **12 months**. Veh. Code §§23524 & 23592
 IV. **Special State/County Penalties (Fines).**¹²

Reckless Driving Causing Bodily Injury:

Misdemeanor/Felony Veh. Code §§23104, 40000.15 & 40000.24 and Penal Code §17

Sanction:

Criminal:

Imprisonment (Term):

1st offense (Misdemeanor)-**30 days to 6 months** (in the county jail)
Subsequent offense (Misdemeanor/Felony)-**30 days to 6 months** (in either the State prison¹⁸ or county jail) Veh. Code §23104(a) & (b)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range):

1st or subsequent offense-**\$220 to \$1,000**¹⁵ Veh. Code §23104(a) & (b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation¹⁹ Veh. Code §§13350(a)(3) & 13351(a)(2)

Length of Term of License

Withdrawal Action:

1 year Veh. Code §13350(c) Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Mandatory Term of License

Withdrawal Action:

1 year Veh. Code §13350(c) Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Other:

I. The court may order an offender to attend a traffic violator school. Veh. Code §42005

II. **Traffic Violation Points.**¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(c)

III. **Special State/County Penalties (Fines).**¹²

Speed in Excess of 100 MPH:

Infraction Veh. Code §22348(b)

Sanction:

Criminal:

Imprisonment (Term):

None

Mandatory Minimum Term

of Imprisonment:

Other Criminal Actions Related to Speeding:

(continued)

¹⁸Under Penal Code §17, a person, who is punished by imprisonment in the State prison, is considered to have committed a felony.

¹⁹The offender is also subject to license suspension for not more than 6 months under Veh. Code §13201.

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Speed in Excess of 100 MPH : (continued)

Fine (\$ Range):

1st or subsequent offense-Not more than **\$500**¹⁰ Veh. Code §§22348(b) & 42000.1 See III Other below.

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension Veh. Code §§22348(b), 13200.5 and 13355(a) & (b)

Length of Term of License

Withdrawal Action:

1st offense-Not more than **30 days** Veh. Code §§22348(b)(1) & 13200.5
2nd offense (within 3 years)-**6 months** Veh. Code §§22348(b)(2) & 13355(a) 3rd or subsequent offense (within 5 years)-**1 year** Veh. Code §§22348(b)(3) & 13355(b)

Mandatory Term of License

Withdrawal Action:

None Note: For a 1st offense, suspension is discretionary. For 2nd and subsequent offenses, suspension is mandatory. However, restricted driving privileges are available to allow an offender either to travel to and from work or to perform employment related duties. Veh. Code §§22348(b)(1), 13200.5 and 13355(a) & (b)

Other:

I. **Traffic Violator School** (discretionary) Veh. Code §42005

II. **Traffic Violation Points.**¹¹ An offender is assessed 2 points on their driving record. Veh. Code §12810(d)(1)

III. If a fine for an infraction would impose a hardship on an offender or their family, the court may sentence such person perform community service in lieu of the "total fine" (i.e., the base fine, all assessments, penalties and additional monies). Penal Code §1209.5

IV. **Special State/County Penalties (Fines).**¹²

Commercial Motor Vehicle (CMV) Operators²⁰:

Grounds for Disqualification:

No person may operate a CMV if they have either (1) been convicted of 2 "serious traffic violations"²¹ within a 3 year period or (2) been convicted of 3 such violations within a 3 year period while driving a CMV. Veh. Code §§15306 & 15308

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Veh. Code §§15306 & 15308

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Veh. Code §§15306 & 15308

²⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., were the towed vehicle weighs ≥10,000 lbs., is a trailer bus, is carrying a hazardous materials which require that the vehicle to be placarded in under either the Vehicle or Health and Safety codes. Veh. Code §§12804.9(b), 15210(b)(1) & (k) and 15278(a)(4)

²¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Veh. Code §15210(i), 49 USC §31301(12) & 49 CFR 383.5